

EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

IN RE: EVOLVE BANK & TRUST
CUSTOMER DATA SECURITY BREACH
LITIGATION

MDL No. 2:24-md-03127-SHL-cgc

Judge Sheryl H. Lipman

**DECLARATION OF FRANK BALLARD
OF KROLL SETTLEMENT ADMINISTRATION LLC
IN CONNECTION WITH PRELIMINARY APPROVAL OF SETTLEMENT**

I, Frank Ballard, hereby declare:

1. I am a Director of Kroll Settlement Administration LLC (“Kroll”),¹ the proposed Settlement Administrator to be appointed in the above-captioned case, whose principal office is located at One World Trade Center, 285 Fulton Street, 31st Floor, New York, New York 10007. I am over 21 years of age and am authorized to make this declaration on behalf of Kroll and myself. The following statements are based on my personal knowledge and information provided by other experienced Kroll employees working with me and/or under my general supervision. This declaration is being filed in connection with Preliminary Approval of the Settlement.

2. Kroll has extensive experience in class action matters, having provided services in class action settlements involving antitrust, securities, labor and employment, consumer and government enforcement matters. Kroll has provided class action services in over 3,000 settlements varying in size and complexity over the past 50 years.

3. Kroll is prepared to provide a full complement of notification and Claims administration services in connection with that certain Settlement Agreement entered in this Action, including dissemination of the Notice by email, online publication through social media and banner advertisements, and through the use of a Settlement Website to be created in connection with this matter.

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Settlement Agreement.

4. It is Kroll's understanding that it will be provided with a Class List pursuant to the Settlement Agreement, which will contain a combination of names, email addresses (if available), physical postal addresses (if available), and other data elements pertinent to the administration of the Settlement.

5. The Notice Plan as outlined in the Settlement Agreement and as expected to be implemented by Kroll contemplates a list of Settlement Class Members to be provided by Defendant that will allow for notices to reach the vast majority of Settlement Class Members through Email Notice, Publication Notice, online display advertising and social media advertising. Based upon information provided by the Parties' Counsel, and assuming data received is relatively up to date, Kroll estimates an average undeliverable rate of no more than 10% and thus projects email notice will likely reach 90% of the proposed Settlement Class Members. These assumptions are subject to the accuracy and quality of the data received. This reach rate is consistent with other court-approved, best-practicable notice programs and Federal Judicial Center Guidelines, which state that a notice plan that reaches over 70% of targeted class members is considered a high percentage and the "norm" of a notice campaign.²

CAFA Notice

6. On behalf of the Defendant, Kroll will provide notice of the proposed Settlement pursuant to the Class Action Fairness Act, 28 U.S.C. § 1715(b). At Defendant's Counsel's direction, Kroll will send the CAFA Notice, which identifies how to access required documents relating to the Settlement, via first-class certified mail to (a) the Attorney General of the United States; and (b) the applicable state Attorneys General. The CAFA Notice will direct the recipients to the website www.CAFANotice.com, a site that will contain all the documents relating to the Settlement referenced in the CAFA Notice.

² Barbara Rothstein and Thomas Willging, Federal Judicial Center Managing Class Action Litigation: A Pocket Guide for Judges, at 27 (3d Ed. 2010).

Notice by Email

7. In preparation for disseminating the Email Notice, Kroll will work with Class Counsel and Defendant's Counsel (collectively, "Counsel") to finalize the language for the Email Notice. Once the Email Notice is approved, Kroll will create an Email Notice template in preparation for the email campaign. Kroll will prepare a file with all Settlement Class Member email addresses and upload the file to an email campaign platform. Kroll will prepare email proofs for Counsel's review and final approval. The proofs/test emails for approval will include the body of the email and subject line. Once the proofs/test emails are approved, the email campaign will begin as directed in the Settlement Agreement.

8. Kroll will track and monitor emails that are rejected or "bounced back" as undeliverable. At the conclusion of the email campaign, Kroll will provide a report with the email delivery status of each record. The report will include the number of records that had a successful Email Notice delivery, and a count of the records where delivery failed. Kroll will also update its administration database with the appropriate status of the email campaign for each of the Settlement Class Member records.

9. Pursuant to paragraph 87 of the Settlement Agreement, Email Notice shall be disseminated two times to the Settlement Class.

10. If the Email Notice was delivered successfully, no further action will be taken with respect to the particular potential Settlement Class Member record.

11. If the Email Notice is rejected or "bounces back" as undeliverable will be sent through an advanced email address search process in an effort to find an alternate email address. If an updated email address is obtained through the advanced search process, Kroll will re-send the Email Notice to the updated email address.

Settlement Website

12. Kroll will work with Counsel to create a dedicated Settlement Website. The Settlement Website URL will be determined and approved by Counsel. The Settlement Website will contain a summary of the Settlement, will allow Settlement Class Members to contact the

Settlement Administrator with any questions or changes of address, provide notice of important dates such as the Final Approval Hearing, Claim Form Deadline, the last day of the Objection Period Opt-Out Period, and provide Settlement Class Members who file Claim Forms online the opportunity to select an electronic payment method, including Venmo, Zelle, PayPal, ACH, or payment by check. The Settlement Website will also contain relevant documents including the Settlement Agreement, Preliminary Approval Order, Long Form Notice, Claim Form, and when available, the Motion for Final Approval, Application for Attorneys' Fees, Costs and Service Awards, Final Approval Order, and any other materials agreed upon by the Parties and/or required by the Court.

Publication Notice

13. As required under paragraph 57 of the Settlement Agreement, Publication Notice will also be provided by publication via media outlets. The Publication Notice campaign described below was developed by Cecily G. Uhlfelder, Media Director of Kroll Notice Media Solutions ("Kroll Media"), a business unit of Kroll.

14. Kroll Media will create an online display and social media campaign to reach adults 18 years of age or older. Notices will include a live link to the Settlement Website. Social media and online banner ads will be drafted by Kroll and approved by Counsel prior to implementation.

Online Display

15. Kroll Media will apply a programmatic approach to display advertising placements.³ Digital banner ads will be purchased "programmatically," using a computer algorithm to show a specific ad to a specific visitor in a specific context. These ads are device agnostic, such that they will appear across desktop, laptop, tablet, or mobile device.

³ In practice, when a user visits a website, an IP connection between the user's device and the publisher's webserver is established. The website then flags available ad tags so that the ad server can analyze data about the user, such as demographic attributes or location. This information is shared with advertising exchanges (*i.e.*, digital advertising marketplaces for ad space) where ad buyers can bid on the ad unit relevant to the campaign. If the ad unit is user-relevant, *i.e.*, it targets a class member, a bid is offered. Upon winning the bid for the ad unit, the ad is downloaded on a webpage for a user to see and this counts as an impression. Digital banner ads and social media ads include relevant information for the user to self-identify. If the user clicks on the ad, an embedded link takes them to the settlement website, where they can learn more about the settlement and potentially file a claim.

16. Online display banner ads will target adults over the age of 18 years and include the most popular and widely accepted formats,⁴ such as 160x600 (wide skyscraper), 300x250 (rectangle), 300x600 (large skyscraper), 728x90 (leader board), 300x50 (mobile banner), 320x50 (mobile leader board), and 336x280 (large rectangle).

Social Media Ads

17. Social media ads would appear on Facebook and Instagram users' Newsfeeds.⁵ Ads would be targeted to adults 18 years of age or older and include relevant information for the user to self-identify. If the user clicks on the social media ad, an embedded link takes them to the Settlement Website, where they can learn more about the Settlement.⁶

Toll-Free Telephone Number

18. Kroll will also establish a toll-free telephone number for the Settlement. The toll-free telephone number will allow Settlement Class Members to call and obtain information about the Settlement through an Interactive Voice Response system, with the option to be connected to a live operator. Settlement Class Members may also request copies of the Long Form Notice and Claim Form, as well as the Settlement Agreement.

Post Office Box

19. Kroll will designate a post office box with the mailing address *In re Evolve Bank & Trust Customer Data Security Breach*, c/o Kroll Settlement Administration LLC, P.O. Box 225391, New York, NY 10150-5391, in order to receive opt-out requests, Claim Forms, objections, and correspondence from Settlement Class Members.

⁴ Digital ad unit dimensions are measured in pixels by height and width.

⁵ Newsfeeds are where Facebook and Instagram users look for information about friends, family, news and brand information.

⁶ Creating multiple ad sizes increases a notice plan's probability of getting the message in front of the right target audience at the right time. If a web page serves only 300x250 and 728x90 ads, and the campaign only created a 320x50 ad, a notice plan ad will not have the opportunity to serve an ad on that website.

Settlement Administration Costs

20. Based on Kroll's current understanding of the Settlement Class size and requested Settlement administration services, estimated Settlement Administration Costs are approximately \$108,050 - \$178,100 for fees, costs and other expenses incurred for Settlement administration pursuant to the Settlement Agreement. The current estimate is subject to change depending on factors such as the actual Settlement Class size, changes to U.S. postage rates, and/or any Settlement administration scope change not currently under consideration.

I declare under penalty of perjury under the laws of the United States that the above is true and correct to the best of my knowledge and that this declaration was executed on April 1, 2025, in Washington, D.C.


FRANK BALLARD